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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,563	03/11/2004	Kil-soo Jung	1793,1069	4832
49455 7590 05/27/2009 STEIN MCEWEN, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005				
EXAMINER				
STANLEY, MARK P				
ART UNIT		PAPER NUMBER		
2427				
MAIL DATE		DELIVERY MODE		
05/27/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/797,563

**Applicant(s)**

JUNG ET AL.

**Examiner**

MARK P. STANLEY

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40, 52, 54, 56, 60 and 61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40, 52, 54, 56, 60 and 61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date 4/2/2009, 4/13/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Miscellaneous***

1. This action is in response to the RCE filed 3/17/2009 and prior filed claim amendments on 2/17/2009. Claims 40, 52, 54, 56, 60-61 are currently pending. Claims 40 and 52 have been newly amended.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant argues that Lewis does not disclose a plurality of titles, each title including a playlist specifying a part of the plurality of title audio/video data streams to be reproduced nor does Lewis disclose index information recorded separately from the plurality of titles. However the Examiner respectfully disagrees, Lewis discloses a plurality of titles (Fig. 6 title sets 1 to N) with each title including a playlist (Fig. 7 program chains 1 to N) where index information

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recorded separately in the video manager (Fig. 6 video manager) determining a title audio/video stream for automatic play back during initial loading (Fig. 4 'first play pgc') where the video manager also stores title information including attribute information (control data) for each of the title audio/video data streams, where the control data stored in the video manager section controls playback of the entire disc including the playback of the plurality of titles and their associated program chains on the disc (col. 5 lines 12-21, col. 6 lines 1 -13). Thus, where Lewis discloses index information storing attribute information to determine the playback of a plurality of titles stored on a disc, Lewis discloses the given claim limitation.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 40, 52, 54, and 60-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al. (US 6,694,090 hereinafter Lewis).

**Regarding claim 40**, Lewis discloses "an information storage medium, comprising:" (col. 4 lines 55-65, Fig. 6)

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"a plurality of title audio/video data stream which are reproduced as a motion picture; and" (col. 4 line 66 – col. 5 line 10, col. 6 lines 1 -13, Fig. 7 'video title sets')

"a plurality of titles, each title including a playlist specifying a part of the plurality of title audio/video data streams to be reproduced; and" (Fig. 5, video title sets 1 – N)

"index information recorded separately from the plurality of titles, the index information comprising startup information designating a title audio/video data stream which is played back automatically when the information storage medium is loaded in a reproducing apparatus, and title information, which corresponds to each of the title audio/video data streams," (col. 4 lines 11-22, Fig. 4 start initiated by disc player causing either a resume or start play shown in item 60 where the resume leads to a title playback or a 'first play pgc', Fig. 6 'video manager' information contains index information comprising startup information such that the disc player is aware of what data to access on 'first play' or resume determination)

"wherein the attribute information comprises title access type information indicating whether reproduction of the title audio/video data stream by a title search is permitted" (col. 5 lines 11 -20, col. 6 lines 1 -13, Fig. 3 where title search for available titles being the available 'video title sets' is provided via disc menu, Fig. 7 where PGCs item 92 corresponding to the audio/video data stream are contained within a parental block item 92 within the given 'video title sets' and

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are not available for access unless the disc and corresponding video title sets located on the disc's parental rating is below that of the parental rating of disc player shown in item 123 of Fig. 10, shown in Figs. 8A-B a 'video title set' may consist of multiple PGC or a single PGC thus title search via title menu will be unavailable completely given for given 'video title sets' containing a single PGC that exceeds the disc player's parental rating, additionally the 'first play pgc' itself falls under this category).

**Regarding claim 52**, this claim has been analyzed and rejected for the same reasoning as claim 40 above, where Lewis teaches both the method and apparatus for performing the method, see Figure 2.

**Regarding claim 54**, Lewis discloses "the apparatus of claim 52, wherein the title reproducing manager decoder interprets the startup information from the index information and decodes one of the titles corresponding to the startup information first" (col. 4 lines 11-22, Fig. 4 start initiated by disc player causing either a resume or start play shown in item 60 where the resume leads to a title playback or a 'first play pgc', Fig. 6 'video manager' information contains index information comprising startup information such that the disc player is aware of what data to access on 'first play' or resume determination).

**Regarding claims 60-61**, Lewis discloses "wherein reproduction of the title audio/video data stream by title search is permitted when a value of the access type information is 0, and reproduction of the title audio/video data stream by the title search is prohibited when the value of the access type information is 1" (col. 6 lines 1 -13, reproduction of a 'video title set' is completely prevented or allowed based on the parental rating of the 'video title set' on the disc matching with the parental rating of the disc player essentially providing a 0 and 1 state based on the permission information in the disc).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 56 rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 6,694,090 hereinafter Lewis) as applied to claim 54 above and in view of Kanazawa et al. (US 6,580,870 hereinafter Kanazawa).

**Regarding claim 56**, Lewis discloses "the apparatus of claim 54, wherein the decoder comprises:

"a program engine decoding the program data and executing program commands from the decoded program data;" (Fig. 1 item 21 program data, item 24 executing commands based on program data

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a navigation engine decoding navigation commands in the titles and the title information;" (Fig. 1 items 26-27)

"a presentation engine decoding the AV data; and" (Fig. 1 item 25)

"an application manager controlling reproduction of the titles based on whether a portion of each title is startup information, core mode data, or full mode data and user input when the attribute information designates that the respective title is controllable by the user" (col. 5 lines 11-23, col. 6 lines 1 -13).

But while Lewis does not explicitly disclose the use of an application manager that controls full mode data with browsing data or a browsing engine, Kanazawa does disclose the use of "a browsing engine decoding the browsing data and executing browsing commands from the decoded browsing data" (col. 11, lines 11-15, Fig. 16, item 117) and the manager for controlling information (Fig. 16, item 201).

However, it would have been obvious to one of ordinary in the art at the time the invention was made to have been motivated to combine the selective reproduction apparatus of Lewis with that of Kanazawa containing a browsing engine and control browsing data for internet browsing. One would have been motivated to do so for an improved interactivity and access of information with the medium for reproducing by providing internet browsing capabilities.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. STANLEY whose telephone



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number is (571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark P Stanley/  
Examiner, Art Unit 2427

/Dominic D Saltarelli/  
Primary Examiner, Art Unit 2421